

### **Support for Amendment**

This amendment cancels claims 2, 12-24, and 35-37.

Claim 1 is amended to include the features of canceled claim 2 and is supported by the specification at page 8, line 29 through page 9, line 7. In addition, claim 1 is amended to characterize a composition as provided as a solid as a result of extrusion or casting. This amendment is supported by the specification at, for example, page 17, lines 13-15.

Claim 6 is amended so that it more clearly refers to the surfactant. This amendment is supported by the specification at page 8, line 29 through page 9, line 7.

Claim 25 is amended in a manner similar to the amendment to claim 1. Support for the changes to claim 25 are provided by the specification at, for example, page 8, line 29 through page 9, line 7, and page 17, lines 13-15.

Claim 29 is amended to refer to the surfactant of claim 25. This amendment is supported by the specification at, for example, page 8, line 29 through page 9, line 7.

New claims 38-40 are supported by the specification at, for example, page 15, lines 17-19.

New claims 41 and 42 are supported by the specification at page 13, lines 10-28.

New claim 43 is based upon original claim 1 and includes the characterization of the amount of surfactant as supported by the specification at page 8, line 29 through page 9, line 7, and the characterization of the presence of an encapsulated chlorine bleaching agent as supported by the specification at page 13, lines 10-28.

New claim 44 is based upon original claim 4.

New claim 45 is based upon the specification at page 11, lines 7-16.

New claim 46 is supported by the specification at page 13, lines 25-28.

New claim 47 is supported by the specification at page 14, lines 7-10.

New claim 48 is supported by the specification at page 14, lines 2-30.

New claims 49 and 50 are supported by the specification at page 15, lines 22-30.

New claims 51-53 are supported by the specification at page 15, lines 17-19.

Claims 1, 4, 5, 25, 27, and 28 are amended to re-characterize ranges without the word "between" to remove any possible question as to whether the ranges include the end points.

Claims 6-11 and 29-34 are amended to more clearly reflect that the lists are provided in the alternative.

No new matter is introduced by this amendment, and entry thereof is requested. Upon entry, claims 1, 4-11, 25, 27-34, and 38-53 are active in this application.

## REMARKS

The Applicants' below-named representative would like to thank Examiner Charles Boyer for the helpful and courteous discussion of the issues in this application held by telephone on June 22, 2005. This brief discussion focused on differences between the prior art relied upon in the outstanding Office Action and the presently claimed invention.

The invention is directed at a warewashing detergent composition and a method of using a warewashing detergent composition. The detergent composition includes a corrosion inhibitor in an amount sufficient for reducing corrosion and/or etching of glass. That corrosion inhibitor includes a source of aluminum ion and a source of zinc ion, and the amount of the source of aluminum ion and the amount of the source of zinc ion are sufficient to provide a weight ratio of aluminum ion to zinc ion of about 6:1 to about 1:20. The Applicants discovered that by controlling the ratio of the aluminum ion to the zinc ion in the use solution (the composition that contacts the ware), it is possible to provide reduced corrosion and/or etching of glass compared with the use of either component alone.

According to independent claims 1 and 25, the warewashing detergent composition is provided as a solid as a result of extrusion or casting, and contains about 0.5 wt.% to about 20 wt.% surfactant based on the weight of the detergent composition. According to independent claim 43, the detergent composition includes an encapsulated chlorine bleaching agent.

The outstanding Office Action includes three prior art-based rejections. Claims 1, 2, 4-8, 12-18, 21, 22, 25, 27-31, and 35-37 stand rejected under 35 U.S.C. §102(b) over *Hartenstein* (GB 1,442,885). Claims 1, 2, 5-12, 14-25, and 28-37 stand rejected under 35 U.S.C. §103(a) over *Karlheinz* (GB 2,372,500). Claims 1, 2, 4-25, and 27-37 stand rejected under 35 U.S.C. §103(a) over *Hartenstein*. It is pointed out that claims have been amended and new claims have been introduced. These rejections are traversed to the extent that they apply to the presently pending claims.

*Hartenstein* is directed at stabilizing a chlorine containing detergent composition. According to *Hartenstein*, a chlorine stabilizer can include a mixture of aluminum salt and zinc salt. See *Hartenstein* at page 1, lines 44-50. *Hartenstein* is concerned with the presence of water

in the composition that may cause decomposition of the chlorine releasing components. See *Hartenstein* at page 1, lines 37-43. As a result of the concern over the amount of water in the composition, *Hartenstein* provides the composition as a granular or powder composition. See *Hartenstein* at page 2, lines 60-64.

In contrast to *Hartenstein*, the warewashing detergent composition according to the present invention (independent claims 1 and 25) is provided in the form of a solid as a result of extrusion or casting. As described by the above-identified patent application at page 15, line 13-30, an aqueous medium may help the solidification process when it is desired to form the concentrate as a solid (e.g., a block or pellet). Because of the presence of water, *Hartenstein* would not want to form their composition as a solid block or pellet because of the harmful effect the water would have on the chlorine releasing component. For example, see *Hartenstein* at page 2, lines 5-15, for the disclosure that water, if present should be water crystallization to avoid loss of chlorine. Clearly, one would not have received the suggestion to modify *Hartenstein* to provide the disclosed granular or powder composition as a solid as a result of extrusion or casting according to the present invention.

Accordingly, one having ordinary skill in the art would not have looked to *Hartenstein* for the preparation of a warewashing detergent composition provided as a solid as a result of extrusion or casting according to the present invention.

New claim 43 provides for the presence of an encapsulated chlorine bleaching agent. It is pointed out that *Hartenstein* fails to disclose or suggest an encapsulated chlorine bleaching agent. In fact, *Hartenstein* is concerned with maintaining the stability of chlorine releasing components. Exemplary chlorine releasing components are described by *Hartenstein* in the examples. None of the chlorine releasing components described by *Hartenstein* can be considered encapsulated.

Accordingly, one having ordinary skill in the art would not have looked to the teachings of *Hartenstein* to provide a mixture of an aluminum salt and a zinc salt to stabilize an encapsulated chlorine bleaching agent. Because the encapsulation provides for the stability, there would be no reason according to *Hartenstein* to include the aluminum salt and the zinc salt.

In view of the above comments, withdrawal of the rejections over *Hartenstein* is requested. The claimed invention is not anticipated and would not have been obvious over *Hartenstein*.

*Karlheinz* discloses a water-soluble glass composition comprising 41 to 54 mole % of  $P_2O_5$ , 10 to 30 mole % of alkali oxides, up to 5 mole % of  $SO_3$  and up to 25 mole % of ZnO. See *Karlheinz* at page 3, lines 24-26. Clearly, the components of the water-soluble glass composition according to *Karlheinz* are oxides. Furthermore, *Karlheinz* teaches that the water-soluble glass composition can be manufactured by continuous glass manufacturing processes such as casting, pressing or blowing to provide a transparent shaped body. See *Karlheinz* at last paragraph on page 4. The warewashing detergent composition according to the present invention is not prepared by a continuous glass manufacturing process.

The presently claimed warewashing detergent composition is quite different from the water-soluble glass composition disclosed by *Karlheinz*. According to the independent claims, the warewashing detergent composition includes about 0.5 wt.% to about 20 wt.% surfactant based on the weight of the detergent composition. It is submitted that the water-soluble glass composition disclosed by *Karlheinz* could not include this amount of surfactant and provide a transparent shaped body. Furthermore, one having ordinary skill in the art would not have received the suggestion to modify *Karlheinz* to include non-oxide components that may interfere with the manufacture of a water-soluble glass composition.

In view of the above comments, the claimed invention would not have been obvious from *Karlheinz*.

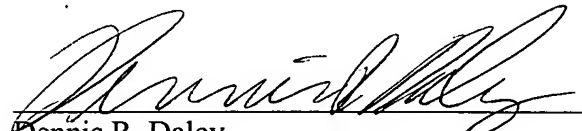
It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: July 7, 2005



  
Dennis R. Daley  
Reg. No. 34,994  
DRD:jjb-sll